

AF/IFW 3632

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/733,691 | |
| | Filing Date | December 07, 2000 | |
| | First Named Inventor | Jeffrey D. Carnevali | |
| | Art Unit | 3632 | |
| | Examiner Name | Gwendolyn Wrenn Baxter | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | NPI-885-001 |

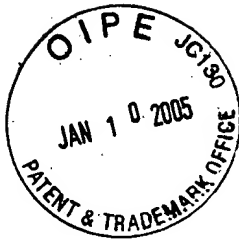
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---------------------------------------|
| Firm or Individual name | Charles J. Rupnick (Reg. No.: 43,068) |
| Signature | |
| Date | January 7, 2005 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/733,691 Confirmation No.: n/a

Inventor(s) : Jeffrey D. Carnevali

Filed : December 07, 2000

TC/A.U. : 3632

Examiner : Gwendolyn Baxter

Docket No. : NPI-885-001

Customer No. : 24692

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Commissioner for Patents

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Request for Reconsideration of Dismissal of

Petition to Make Special Under 37 C.F.R. § 1.102

Sir:

The instant paper is a Request for Reconsideration of Dismissal mailed on December 22, 2004, and again on December 28, 2004, of a petition to make the present application special on grounds other than those referred to in 37 C.F.R. § 1.102 paragraph (c) and is accompanied by the fee set forth in § 1.17(h).

The Applicant filed a petition on November 8, 2004, that the present application be made Special for advancing the application out of turn for examination or for further action because of actual infringement.

5 The petition was Dismissed on the grounds that the application file was reviewed, and no copies provided by the applicant of the most closely related art were located.

The applicant previously stated that the applicant had previously provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims such that said references are already of record.

10 In making such statement, the applicant relied upon the references made of record in the original application upon which the present reissue application is based being likewise made of record in the present reissue application. Such reliance was based upon the Examiner's review of the original patent file wrapper having the known prior art references therein, as detailed in MPEP §1418, second paragraph.


15 However, in the interest of advancing examination of the instant reissue application, the applicant on this date filed a Request For Continued Examination (RCE) in the present reissue application, including an "Information Disclosure Statement by Applicant" filed therewith listing the prior art references made of record in the original patent, which the applicant believes is a complete listing of the references deemed most closely related to the subject matter encompassed by the claims, and including a copy of each of the listed references. The Information Disclosure
20 Statement further disclosing pending infringement litigation regarding the original patent.

Accordingly, reconsideration of the Petition to Make Special is respectfully requested, and advancement of the application is respectfully requested.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

25 Respectfully submitted,

Attorney:


Charles J. Rupnick
Registration No.: 43,068
Date: January 7, 2005
Phone Number: (206) 439-7956

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